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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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11 In Re Matter of Complaint of) Civil No. 09-CV-2706-JAH(WVG)
12 VINCENT and LISA PIRAINO,)
13 owners of the BELLA MARIE, the) ORDER APPROVING JOINT MOTION
14 47-foot, 1987 Lein Hwa motor) FOR AMENDED ORDER APPROVING
15 yacht, Official No. 1146148,) COMPROMISE OF CLAIMS OF A
16 HIN: HTG47017E787 her engines,) MINOR
tackle, apparel, etc. in a)
cause of Exoneration From) [DOC. NO. 33]
Limitation of Liability)
) [REDACTED VERSION]
16 _____)

17 Before the Court is the parties' joint motion for an Amended
18 Order Approving Settlement of a Minor (Doc. No. 33). Pursuant to
19 Rule 78 of the Federal Rules of Civil Procedure and Civil Local Rule
20 7.1, the Court finds that this matter is appropriate for decision
21 without further oral argument. After considering the Motion, all
22 other matters presented to the Court, and for good cause appearing,
23 IT IS HEREBY ORDERED THAT:

24 1. The Motion and the minor's compromise are APPROVED.
25 2. In accordance with the Assignment agreed upon by the parties,
[REDACTED], or its appropriate subsidiary insurance company,
26 will assign to [REDACTED] ("[REDACTED]" - [REDACTED]'s
27 assignment company) all obligations to make future payments
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1 to the minor, [M.F.] (hereinafter, "[M.F.]"). As such,
2 [REDACTED], or its appropriate subsidiary insurance company,
3 will deliver the minor's portion of the settlement funds in
4 the amount of \$[REDACTED] to [REDACTED] for the purchase of
5 an annuity for [M.F.'s] benefit.

6 3. [REDACTED] shall purchase the annuity for [M.F.'s] sole
7 benefit from [REDACTED], an A.M. Best rated A+ xv carrier.
8 [REDACTED] is directed to issue the annuity to [REDACTED] for
9 [M.F.'s] sole benefit. [REDACTED] shall then make periodic
10 payments to [M.F.] as set forth below.

11 4. [M.F.'s] counsel or her guardian ad litem, Kimberlee Flotron
12 (hereinafter, "Petitioner"), must deliver a copy of this
13 Order to [REDACTED] (or its subsidiary insurance carrier),
14 [REDACTED], [REDACTED], and any other company that holds or
15 services the annuity.

16 5. Until [M.F.] attains the age of 18 years, no withdrawals or
17 payments of any kind may be made from the annuity, and no
18 funds may be disbursed, without a written order under this
19 case name and number, signed by a judge, and bearing the seal
20 of this Court. No changes may be made to the annuity or
21 payment schedule, nor may the annuity be transferred, cashed,
22 redeemed, or sold without the Court's Order. The terms of
23 the periodic payments listed below may not be changed without
24 said Order.

25 6. When [M.F.] attains the age of 18 years, [REDACTED], or its
26 successor in interest, is authorized and directed to make
27 periodic payments, without further order of this Court,
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1 directly to [M.F.] according to the following payment
2 schedule:

3 [REDACTED] (age 18): \$ [REDACTED]
[REDACTED] (age 20): \$ [REDACTED]
4 [REDACTED] (age 21): \$ [REDACTED]
[REDACTED] (age 23+): \$ [REDACTED]
5 [REDACTED] (age 25+): \$ [REDACTED]
[REDACTED] (age 28+): \$ [REDACTED]

7. Petitioner is authorized and directed to execute any and all
8 documents reasonably necessary to carry out the terms of the
9 settlement.

10 8. Attorneys' fees and costs charged by [M.F.'S] counsel in this
11 matter are approved in the amount of \$[REDACTED] for attor-
12 neys' fees and \$[REDACTED] for costs. [REDACTED], or
13 subsidiary thereof, is directed to pay Aitken Aitken Cohn
14 from the settlement funds in the amount of \$[REDACTED].

15 9. The [REDACTED] company is authorized to pay \$[REDACTED] to
16 the [REDACTED] on behalf of Mark Flotron, Kimberlee Flotron,
17 and [M.F.].

18 10. The Court shall retain jurisdiction over the minor's compro-
19 mise and over all issues related thereto until [M.F.] reaches
20 the age of majority on [REDACTED].

21 11. Surety bond is waived.

22 IT IS SO ORDERED.

23 | DATED: March 23, 2011

WS

Hon. William V. Gallo
U.S. Magistrate Judge